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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: SUSTAINABLE USE AND CONSERVATION OF THE MARINE LIVING RESOURCES OF THE HIGH SEAS: UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Note verbale dated 12 July 1994 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Permanent Mission of Argentina to the United Nations has the honour to enclose herewith a copy of a declaration of principles, entitled "the Buenos Aires Declaration", for circulation as a General Assembly document. It was produced by a seminar on the "Adoption of an Effective Regime for the Conservation of the Living Resources in the Area Adjacent to the Exclusive Economic Zone", held in Buenos Aires from 7-9 June 1994. The seminar, organized by the Argentine Council for International Relations, was attended by experts in the law of the sea from Argentina, Canada, Chile, Iceland, Norway, Peru, the United States of America, the Food and Agriculture Organization of the United Nations (FAO) and national and international academic institutions.

* A/49/50/Rev.1.

ANNEX

Declaration of Buenos Aires adopted on 9 June 1994 by the International Seminar on the Adoption of an Effective Regime for the Conservation of Living Resources in the Area Adjacent to the Exclusive Economic Zone

Considering:

That the intensification of unrestricted fishing on the high seas is threatening the sustainability of fish populations and the very survival of certain species, which endangers the supply of fisheries products as a source of food for the world,

That, in conformity with the United Nations Convention on the Law of the Sea, which is shortly to enter into force on 16 November 1994, the freedom to fish on the high seas is not unrestricted, but is subject to the rights, interests and obligations of coastal States and other States fishing in this maritime space,

That the above-mentioned Convention needs to be supplemented by further provisions aimed at ensuring the conservation, management and exploitation of fish stocks and other living resources, while safeguarding the rights of coastal States and of the international community in the area adjacent to their respective exclusive economic zones,

That chapter 17 of Agenda 21, which was adopted by the United Nations Conference on Environment and Development, recommends the adoption of effective measures to ensure the conservation of straddling and highly migratory fish stocks in the high seas, in accordance with the provisions of the Convention on the Law of the Sea,

That the recommendations of the World Conference on Fisheries Management and Development convened in 1984 by the Food and Agriculture Organization of the United Nations and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of that Organization also examined this problem,

That at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which is currently taking place, coastal States and States fishing on the high seas are seeking to reach agreement on an effective regime for the conservation of such species in the high seas,

The International Seminar convened from 7 to 9 June 1994 by the Argentine Council for International Relations to consider the "Adoption of an effective regime for the conservation of the living resources in the area adjacent to the exclusive economic zone":

Supports the efforts of the international community to establish an effective regime for the conservation and management of straddling and highly migratory fish species on the high seas;

Invites interested academic institutions and specialists in international law and the law of the sea to contribute to studies aimed at the adoption of an effective regime for the conservation and management of fisheries resources and other living resources in the area of the high seas adjacent to the exclusive economic zone;

Formulates the following basic principles:

1. The regime being drawn up at the Conference must ensure the adoption of effective conservation and management measures which would guarantee the conservation and replenishment of fish stocks at levels of maximum sustainable yield;

2. Although the conservation and management measures must be adapted to the particular characteristics of each region, it is essential to have a body of law of universal and mandatory application which affords sufficient protection to the rights of coastal States with respect to those species which migrate from the high seas to the respective exclusive economic zone and vice versa and provides for the preservation of marine ecosystems and the conservation and exploitation of the living resources located in the area adjacent to the above-mentioned exclusive economic zones;

3. In order to be effective, such measures must take account of the biological characteristics and the population dynamics of the fish, since their exploitation must be subject to measures for conservation and management which are consistent and compatible with those adopted by the coastal State within its exclusive economic zone, through the implementation of appropriate precautionary measures;

4. In the absence of any agreements on conservation and management measures, or where proper implementation of international norms is lacking, the measures in force within the exclusive economic zone of the coastal State should be applied on a provisional basis until such time as an agreement is reached;

5. The coastal State should take measures, in the exercise of its rights of sovereignty, to ensure the conservation of living resources within its exclusive economic zone and should take into account the interdependence of such resources;

6. The effectiveness of the regime depends on its incorporation into a binding instrument which provides for an effective system of monitoring and control to ensure compliance on the high seas;

7. The regime must include a system for the binding solution of disputes in order to guarantee respect for its norms as they apply on the high seas;

Looks forward to the achievement of positive results in the United Nations Conference on this subject, and

Formulates the wish that the commendable initiative of the Argentine Council for International Relations in convening an International Seminar will set a valuable precedent for the holding of other international events of a

similar nature, which would make a significant contribution to the study and solution of the complex problems affecting the conservation and management of the fisheries resources, which are becoming increasingly indispensable as a source of food for the world.

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STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Secretary-General

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/...

I. INTRODUCTION

1. On 25 November 1992, the General Assembly adopted resolution 47/30 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 5 of the resolution, the Assembly requested the Secretary-General to submit to it at its forty-ninth session a report on the status of the additional Protocols based on information received from Member States.

2. Pursuant to that request, the Secretary-General, by a note dated 28 January 1993 and a reminder dated 14 January 1994, invited Member States to transmit to him for inclusion in the report the information requested in paragraph 5 of the resolution.

3. The present report reproduces the replies received as at 15 July 1994. Replies that may be forthcoming will be reproduced as addenda to the present report.

4. The list of all States that are parties to the Protocols 1/ Additional to the Geneva Conventions of 1949 2/ as at 30 June 1994, as communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols, appears in the annex to the present report.

II. INFORMATION RECEIVED FROM MEMBER STATES

BOLIVIA

[Original: Spanish]

[30 June 1993]

1. In 1992, the Government of Bolivia informed the Secretary-General of the United Nations that, under Act of the Republic No. 1151, Bolivia had ratified the four Geneva Conventions of 12 August 1949 and the Protocols additional thereto of 8 June 1977.

2. Bearing in mind the objectives of these international legal instruments, the Government of Bolivia on 27 July 1992 informed the Swiss Confederation, the depositary Government for the Geneva Conventions, of its decision to accept the competence of the International Fact-Finding Commission established pursuant to article 90, paragraph 2, of Additional Protocol I.

3. Guided by this desire to contribute to the strengthening of international humanitarian law, and in the hope that the Conventions might continue to be vital instruments, the Government of Bolivia has also taken steps at the national level to implement the Geneva Conventions and their additional Protocols. To that end, the National Commission for the Implementation of International Humanitarian Law was established pursuant to Supreme Decree No. 23345 of 18 December 1993; the Commission is composed of the Ministry of

Foreign Affairs and Worship, the Ministry of Defence, the Bolivian Red Cross Society and other related institutions.

4. The Commission's objectives are to ensure the implementation of the Geneva Conventions and the additional Protocols, and to consider and propose appropriate measures for disseminating and implementing the norms of international humanitarian law.

5. These measures have been taken by the Bolivian Government in response to the imperative need to give full force to the norms of international humanitarian law, particularly at a time when the world is threatened by armed conflicts that infringe the most fundamental of human rights, the right to life and the right to freedom.

ECUADOR

[Original: Spanish]

[20 January 1994]

On 9 April 1979 the Government of Ecuador deposited with the Swiss Federal Council the instrument of ratification of the Protocols Additional to the Geneva Conventions of 1949, relating to the protection of victims of international armed conflicts (Protocol I) and to the protection of victims of non-international armed conflicts (Protocol II).

GERMANY

[Original: English]

[22 June 1993]

1. The Protocols Additional to the Geneva Convention of 12 August 1949, dated 8 June 1977 and relating to the protection of victims of international armed conflicts (Protocol I) and of non-international armed conflicts (Prctocol II) have been in force for the Federal Republic of Germany since 14 August 1991.

2. At the time of the depositing of the ratification instrument on 14 February 1991, Germany has made the declaration according to article 90, paragraph 2, of Additional Protocol I.

HUNGARY

[Original: English]

[21 June 1993]

The Republic of Hungary has been a party to the Additional Protocols I and II since 12 October 1989. Furthermore, the Republic of Hungary made the declaration provided for under article 90 of Protocol I and the instrument of the Declaration of acceptance was deposited with the Government of the Swiss Confederation on 23 September 1991.

MALTA

[Original: English]

[25 February 1994]

On 16 January 1989, Malta acceded to Protocols I and II Additional to the Geneva Conventions of 12 August 1949. On the same date, the Government of Malta declared that it accepts the competence of the International Fact-Finding Commission in accordance with article 90 of Protocol I.

ROMANIA

[Original: French]

[15 February 1994]

1. Romania ratified Protocols I and II Additional to the Geneva Conventions of 1949 by way of Decree No. 224 of 11 May 1990.

2. On 21 June 1990, the Swiss Federal Council received the instrument of ratification of the aforesaid Protocols, transmitted by the Government of Romania.

3. Six months later, on 21 December 1990, in accordance with the accession clause, the two Protocols entered into force with regard to Romania as a contracting party.

4. A bill concerning the declaration of the Government of Romania recognizing the competence of the International Fact-Finding Commission, in accordance with the provisions of article 90 of Additional Protocol I, is currently being considered by executive and legislative institutions with a view to its adoption.

SWEDEN

[Original: English]

[16 June 1994]

1. Sweden has been a party to the two Additional Protocols since 31 August 1979.

2. Sweden attaches great importance to the increasingly wide acceptance of the additional Protocols. In 1991, Sweden declared that it recognized, without further agreement, the competence of the Fact-Finding Commission provided for in article 90 of Additional Protocol I. It was a great satisfaction to note the coming into operation of this Commission in 1992. One of the members of the Commission is Swedish, Judge Carl-Ivar Skarstedt, President of the Umeå Court of Appeal.

3. Sweden has also noted that this Commission declared itself to be willing to fulfil tasks in the conflict of the former Yugoslavia, pending the consent of the parties to the conflict.

4. Recent developments have shown the importance of adherence to international humanitarian law in armed conflicts. The importance of a wide appreciation and acceptance of the rules laid down in the Protocols additional to the Geneva Conventions cannot be overestimated in this context.

5. In fulfilment of Sweden's commitment under the 1949 Geneva Conventions, and the additional Protocols, the Swedish Government appointed, on 29 June 1978, a special committee - the International Humanitarian Law Committee - with the terms of reference to analyse and present proposals for the interpretation and application of the rules of international humanitarian law of war, neutrality and occupation - but also to disseminate matters concerning information on and teaching of these rules. The Committee's report was presented to the Government in 1984.

6. On the basis of the Committee's report, the Swedish Government, in the late 1980s, laid down guidelines for the military and the civil authorities within the total defence sector. In 1990, the Government enacted an ordinance - the Total Defence Ordinance relating to International Humanitarian Law - with directive rules for the authorities concerned.

7. On 20 June 1991, the Swedish Government set up a special council - the Swedish Total Defence Council for International Humanitarian Law - within the Ministry of Defence to handle questions of international humanitarian law within the total defence sector. The Council should, inter alia, take initiatives to promote the development, dissemination and application of the provisions of international humanitarian law. The Chairman of the Council is the above-mentioned member of the International Fact-Finding Commission provided for in article 90 of Additional Protocol I, Judge Carl-Ivar Skarstedt.

UKRAINE

[Original: Russian]

[20 April 1993]

Upon ratification of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), on 18 August 1989, Ukraine declared that, "in accordance with article 90, paragraph 2, of Protocol I, it recognizes, ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission".

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[1 February 1994]

On 22 October 1993, the United Kingdom Government announced that it had decided that the United Kingdom should ratify the 1977 Protocols Additional to the 1949 Geneva Conventions as soon as the necessary legislation could be enacted in domestic law.

URUGUAY

[Original: Spanish]

[22 April 1993]
[28 March 1994]

The Republic of Uruguay acceded to Additional Protocols I and II on 13 December 1985 and made the declaration provided for in article 90 of Protocol I on 12 July 1990. The Protocols entered into force with regard to Uruguay on 13 June 1986.

Notes

1/ United Nations, Treaty Series, vol. 1125, Nos. 17512 and 17513.

2/ Ibid., vol. 75, Nos. 970-973.

ANNEX

List of States parties to the Protocols Additional to the Geneva Conventions of 1949 as at 30 June 1994 a/

State	Date of ratification, accession, or succession
Albania	16 July 1993
Algeria b/, c/	16 August 1989
Angola b/ (Protocol I only)	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina b/	26 November 1986
Armenia	7 June 1993
Australia b/, c/	21 June 1991
Austria b/, c/	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus c/	23 October 1989
Belgium b/, c/	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia c/	8 December 1983
Bosnia and Herzegovina c/	31 December 1992
Botswana	23 May 1979
Brazil c/	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria c/	26 September 1989
Burkina Faso	20 October 1987
Burundi	10 June 1993
Cameroon	16 March 1984
Canada b/, c/	20 November 1990
Central African Republic	17 July 1984
Chile c/	24 April 1991
China b/	14 September 1983
Colombia (Protocol I only)	1 September 1993
Comoros	21 November 1985
Congo	10 November 1983
Costa Rica	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia c/	11 May 1992
Cuba (Protocol I only)	25 November 1982
Cyprus (Protocol I only)	1 June 1979
Czech Republic	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Denmark b/, c/	17 June 1982
Djibouti	8 April 1991
Dominican Republic	26 May 1994

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State	Date of ratification, accession, or succession
Ecuador	10 April 1979
Egypt b/	9 October 1992
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia	18 January 1993
Ethiopia	8 April 1994
Finland b/, c/	7 August 1980
France b/ (Protocol II only)	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany b/, c/	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)	31 March 1989
(Protocol II)	
Guatemala	19 October 1987
Guinea	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Holy See b/	21 November 1985
Hungary c/	12 April 1989
Iceland b/, c/	10 April 1987
Italy b/, c/	27 February 1986
Jamaica	29 July 1986
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kyrgyzstan	18 September 1992
Kuwait	17 January 1985
Lao People's Democratic Republic	18 November 1980
Latvia	24 December 1991
Lesotho	20 May 1994
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Liechtenstein b/, c/	10 August 1989
Luxembourg c/	29 August 1989
Madagascar c/	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali	8 February 1989
Malta b/, c/	17 April 1989
Mauritania	14 March 1980
Mauritius	22 March 1982
Mexico (Protocol I only)	10 March 1983
Mozambique (Protocol I only)	14 March 1983
Namibia	17 June 1994
Netherlands b/, c/	26 June 1987
New Zealand b/, c/	8 February 1988
Niger	8 June 1979
Nigeria	10 October 1988

State	Date of ratification, accession, or succession
Norway c/	14 December 1981
Oman b/	29 March 1984
Paraguay	30 November 1990
Peru	14 July 1989
Philippines (Protocol II only)	11 December 1986
Poland c/	23 October 1991
Portugal	27 May 1992
Qatar b/, c/ (Protocol I only)	5 April 1988
Republic of Korea b/	15 January 1982
Republic of Moldova	24 May 1993
Romania	21 June 1990
Russian Federation b/, c/	29 September 1989
Rwanda	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Saudi Arabia b/ (Protocol I only)	21 August 1987
Senegal	7 May 1985
Seychelles c/	8 November 1984
Sierra Leone	21 October 1986
Slovakia	2 April 1993
Slovenia c/	26 March 1992
Solomon Islands	19 September 1988
Spain b/, c/	21 April 1989
Suriname	16 December 1985
Sweden b/, c/	31 August 1979
Switzerland b/, c/	17 February 1982
Syrian Arab Republic b/ (Protocol I only)	14 November 1983
Tajikistan	13 January 1993
The former Yugoslav Republic of Macedonia c/	1 September 1993
Togo c/	21 June 1984
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine c/	25 January 1990
United Arab Emirates b/, c/	9 March 1983
United Republic of Tanzania	15 February 1983
Uruguay c/	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Yugoslavia b/	11 June 1979
Zaire (Protocol I only)	3 June 1982
Zimbabwe	19 October 1992

Notes

a/ As communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols. By a note dated 15 August 1990, the Permanent Observer Mission of Switzerland informed the Secretary-General as follows:

> "On 21 June 1989, the Federal Department for Foreign Affairs received a communication of 14 June 1989 from the Permanent Observer of Palestine to the United Nations Office at Geneva concerning Palestine's participation in the four Geneva Conventions of 12 August 1949 and their two additional Protocols of 8 June 1977. On 18 September 1989, the Federal Department for Foreign Affairs sent to the States parties to the Conventions an information note of 13 September 1989 regarding this communication, accompanied by the text of the latter. In the information note, the Swiss Federal Council, depositary of the Conventions, brings to the attention of the States parties that it is not in a position to settle the question whether the communication should be considered an instrument of accession within the meaning of the relevant provisions of the Conventions and their Additional Protocols."

b/ Ratification, accession or succession accompanied by a reservation and/or a declaration.

c/ Party which has made the declaration provided for under article 90 of Protocol I.

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COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY

MACROECONOMIC POLICY QUESTIONS

SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

OPERATIONAL ACTIVITIES FOR DEVELOPMENT

Letter dated 12 July 1994 from the Permanent Representative of Tunisia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of a letter sent by Mr. Zine El Abidine Ben Ali, President of the Republic of Tunisia and current Chairman of the Organization of African Unity, to the Heads of State and Government of the seven most industrialized countries at their meeting held at Naples, Italy, from 8 to 10 July 1994 (see annex).

I request you to arrange for the text of this letter to be issued as a General Assembly document under items 32, 91, 92, 93 and 94 of the preliminary list.

(Signed) Slaheddine ABDELLAH
Ambassador
Permanent Representative

* A/49/50/Rev.1.

ANNEX

Message from President Zine El Abidine Ben Ali, current Chairman of the Organization of African Unity, to the Heads of State and Government of the Group of Seven

It is a pleasure for me, on my own behalf and in my capacity as current Chairman of the Organization of African Unity (OAU), to extend my greetings to your summit conference and to inform you of the importance we attach to the decisions and guidelines which will result from its work and which, we believe, will undoubtedly have the greatest impact on international relations in general and on economic relations in particular.

We proceed from the principle that we, in Tunisia, have always advocated, and which was reaffirmed at the thirtieth conference of African heads of State and Government, held recently at Tunis, namely, that the future of mankind, the balance and stability of the international community and the establishment of peace and security in the world cannot be achieved unless all peoples and States unite their efforts in cooperation and solidarity. The African continent, through its peoples and their leaders, has reiterated its determination to make an active contribution to this humanist undertaking and to escape from marginalization and underdevelopment, especially inasmuch as it has turned the last page of colonialism and racial segregation.

Africa is preparing today to mobilize its energies and its human and material potential in order to achieve economic and social development and extend democracy, security and stability in all parts of the continent. In assuming its responsibilities and relying in the first place on itself, Africa believes that the international community is still vested with the role of contributing to the achievement of these noble objectives.

Convinced that mankind shares a common destiny, Tunisia suggests to the industrialized countries in general, and to the seven richest countries in particular, to consider the implementation of a global international strategy for the development of Africa. Meanwhile, it renews its proposal, which I put forward in the messages I sent to you after the Toronto summit, and have outlined to many international forums, that a contract should be concluded for progress and peace and the achievement of co-development based on a healthy partnership capable of stimulating investment and restoring the balance of the terms of trade in the interests of all parties. In addition it would be necessary to resolve the problem of emigration of African labour to Europe, in particular so as to ensure security, stability and progress on the shores of the Mediterranean, and peace in the world.

The settlement of the debt problem of African States through the total or partial cancellation of their debts or the recycling of those debts into development and environmental protection projects remains in this connection at the forefront of the radical solutions which the rich countries must implement without delay in order to provide Africa with the conditions for real economic and social expansion and afford it a foundation capable of ensuring the success of the structural and political reforms undertaken by most of its States while

protecting them from social upheavals and the risks of a deterioration of security and stability.

The armed conflicts and flashpoints of tension in the African continent is experiencing at this crucial stage of change in the world, which have claimed hundreds of thousands of victims and created millions of refugees and homeless people, mainly women and children, as is the case today in Rwanda, make it imperative for the entire international community to provide effective support to African efforts and to the conflict settlement mechanisms established by OAU in accordance with the desire of the African peoples and States to restore peace and stability in the continent within the framework of international legality and the norms and ideals agreed upon by the international community, and in the context of close coordination and solidarity between OAU and the United Nations on the one hand and cooperation with all peace-loving States and forces on the other.

Considering the urgent need for international solidarity in respect of humanitarian problems, the thirtieth OAU summit accorded special attention to a range of problems and, in the first place, to the situation of African children, the proliferation of the acquired immunodeficiency syndrome (AIDS) and the increase in the number of refugees and homeless persons. The summit adopted a number of practical measures in this respect. It calls upon the international community and in particular the rich countries to back this effort and to support United Nations and regional mechanisms and non-governmental organizations in order to achieve this noble objective in the service of the African people and of mankind at large.

Your summit, I am convinced, is aware of the crucial importance of working to bridge the gap which now separates the African continent from the developed world, since if this gap persists it is liable to undermine balance, stability and security in the world. Africa, its States and peoples, are aware of their responsibilities to take up the great challenges which they are facing. Today, they are resolved more than ever before to spare no effort or sacrifice to gain their rightful place within the international community and contribute to achieving a better future for all mankind within the framework of international mutual assistance and solidarity.

In wishing your summit every success, I am confident that the voice of Africa will strike a responsive chord among you and elicit your full interest.